

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 12071 OF 2024

IN

ARBITRATION APPEAL (L) NO. 30290 OF 2023

Executive Engineer
Public Works Department

...Applicant/
Plaintiff

Versus

Sunil Damodar Chitale & Ors.

...Defendants

Ms. Kajal Gupta i/by M.V. Kini & Co. for the Plaintiff.

CORAM : R.I. CHAGLA J

DATE : 22 October 2024

ORDER :

1. By this Interim Application, the Applicant/original Appellant has sought condonation of delay of 10 days in filing of the Arbitration Appeal.

2. The Applicant has stated that the impugned order was passed by the learned District Judge-1, Ratnagiri in Civil M.A. No. 2 of 2021 on 6th August 2022 under Section 34 of the Arbitration and

SHARAYU
PANDURANG
KHOT

Digitally
signed by
SHARAYU
PANDURANG
KHOT
Date:
2024.10.25
15:25:23
+0530

Conciliation Act, 1996 (**“the Arbitration Act”**).

3. The Applicant states that the present Arbitration Appeal has challenged the said order dated 6th August 2022 (**“the impugned order”**).

4. The Applicant further states that the present Arbitration Appeal under Section 37 of the Arbitration Act has been filed within 120 days, but beyond the prescribed period of 90 days. There has been delay of 10 days in filing of the Arbitration Appeal for which condonation has been sought. An explanation has been given for the delay in paragraph 7 of the Interim Application. It is stated that the delay was unintentional and inadvertent. The delay occurred due to administrative exigencies, as the Applicant for filing Interim Application must get approval from its Regional office, and thereafter arrange Court fee amount and engage advocates of this Court.

5. I have considered the averments in the Interim Application as well as taken note of the fact that the Respondents have been served and there is an advocate appearing for the Respondents. Further the delay within the permissible period of 120

days and there is satisfactory cause shown for the delay. Hence, the relief sought for in the Interim Application requires to be granted.

The following order is passed.:-

- (i) The delay of 10 days in filing the Arbitration Appeal is condoned.
- (ii) Registry shall accept the Arbitration Appeal filed under Section 37 of the Arbitration Act and shall number the same, subject to remove the objection.
- (iii) Interim Application is accordingly, disposed of.

[R.I. CHAGLA J.]